

Atagi, Tracy

From: Oleary, Jim
Sent: Tuesday, December 02, 2014 7:54 AM
To:

[REDACTED]

Subject: Final agenda - December RIN Call this Wednesday at 2 ET
Attachments:

[REDACTED]

OK folks, we've added two additional agenda items to tomorrow's RIN call. See topics below as well as related attachments. By the way, the list of topics addressed each month is by the order they come in to me unless someone requests a change up or down depending on their ability to participate.

[REDACTED]

[REDACTED]

Thanks.

December RIN Agenda Items

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Topic: Manufacturing process unit exemption in 261.4(c) for desulfurization canisters (Delaware)

Delaware has a facility that is claiming the manufacturing process unit exemption in 261.4(c). The facility operates solid oxide fuel cells that utilize natural gas to be converted into electricity. However, the sulfur in the natural gas causes the fuel cells to fail. As such, the sulfur needs to be removed prior to the natural gas entering the fuel cell. The facility has "desulfurization canisters" that contain a sorbent material consisting of carbon, metal oxides, and Zeolites. The sorbent material captures the sulfur and other contaminants (metals, VOCs, and moisture) from the natural gas. When the sorbent can no longer effectively capture the sulfur, the desulfurization canister is removed from the fuel cell module and sent to a facility in Texas (not a TSD) for processing. They manage the waste as hazardous waste once it is removed from the desulfurization canister. **The facility claims that the spent sorbent, while being hazardous for metals content, is exempt while in Delaware due to the manufacturing process unit exemption because the desulfurization canister is a manufacturing process unit. However, Delaware believes no manufacturing is occurring in the desulfurization canister and the canister does not hold a raw material utilized in manufacturing, nor does it hold a product manufactured by the facility. As such, we do not believe the manufacturing process unit exemption applies in this case.** We'd like to hear thoughts from other states who may have encountered similar situations, **particularly California**, as we understand the company also operates these fuel cells there and Texas, where the waste is going.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

